

OGC 82-00372

18 January 1982

82-2180
OIS Registry
82-0012

MEMORANDUM FOR: Director of Central Intelligence
THROUGH: Deputy Director of Central Intelligence
FROM: [REDACTED] STAT
Deputy General Counsel
SUBJECT: Executive Order 12065

1. Attached at Tab A is a letter for your signature to the Assistant to the President for National Security Affairs forwarding the Agency's comments concerning the proposed revision of the previous Administration's Executive Order on Classification. Mr. Meese has specifically requested that these comments be provided to Judge Clark by 18 January 1982.

2. Attached at Tab B is a draft of a proposed revised classification Executive Order which is currently circulating for comment among concerned departments and agencies. This draft, to a large extent, reflects the product of the Intelligence Community working group which I chaired. I believe it represents a significant improvement over the previous classification Executive Order. We must anticipate, however, that this Order may cause considerable controversy. Judge Clark intends to "consult" with the Congress before submitting the Order to the President.

3. Significant changes from the previous classification Order include the following:

a. This Order eliminates the so-called balancing test in the previous Order which required that, under certain circumstances, a public interest could outweigh the need to withhold information;

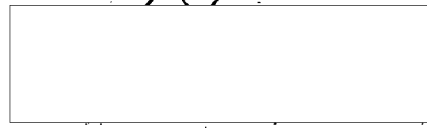
b. The new order eliminates the systematic review provisions in the old Order which required that all classified information be reviewed after 20 years;

c. This order eliminates the requirement for automatic declassification after certain time has elapsed.

d. It reduces the authorities of the Information Security Oversight Office (ISOO); and

e. In general, the new order greatly reduces the wasteful bureaucratic requirements of the old order and sets a tone which favors classification as against public disclosure.

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Attachments